

JOHN T. FRENCH

April 29, 2011

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOHN KOGUT,

Plaintiff,

VS.

THE COUNTY OF NASSAU, POLICE

COMMISSIONER DONALD KANE,

POLICE COMMISSIONER WILLIAM

J. WILLET (2005), POLICE

COMMISSIONER JAMES LAWRENCE,

DETECTIVE SEAN SPILLANE

(HEAD OF HOMICIDE 1985),

DETECTIVE DENNIS FARRELL

(HEAD OF HOMICIDE 2005),

DETECTIVE JOSEPH VOLPE,

DETECTIVE ROBERT DEMPSEY,

DETECTIVE ALBERT MARTINO,

DETECTIVE WANE BIRDSALL,

DETECTIVE MILTON G. GRUBER,

DETECTIVE CHARLES FRAAS,

DETECTIVE FRANK SIRIANNI,

DETECTIVE HARRY WALTMAN,

P.O., MICHAEL CONNAUGHTON,

P.O., WILLIAM DIEHL and

JOHN DOES 1-5,

Defendants.

(Caption continues on next page.)



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2 JOHN RESTIVO, DENNIS HALSTEAD,)
3 MELISSA LULLO, JASON HALSTEAD,)
4 HEATHER HALSTEAD and TAYLOR)
5 HALSTEAD,)

6 Plaintiffs,)

7 vs.)

8) CV-06-6720

9 NASSAU COUNTY; JOSEPH VOLPE,)
10 in his individual capacity;)
11 ROBERT DEMPSEY, in his)
12 individual capacity; FRANK)
13 SIRIANNI, in his individual)
14 capacity; MILTON GRUBER, in)
15 his individual capacity; HARRY)
16 WALTMAN, in his individual)
17 capacity; ALBERT MARTINO, in)
18 his individual capacity;)
19 CHARLIE FRAAS, in his)
20 individual capacity;)
21 THOMAS ALLEN, in his)
22 individual capacity; RICHARD)
23 BRUSA, in his individual)
24 capacity; VINCENT DONNELLY,)
25 in his individual capacity;)
MICHAEL CONNAUGHTON, in his)
individual capacity; WAYNE)
BIRDSALL, in his individual)
capacity; WILLIAM DIEHL, in)
his individual capacity;)
JACK SHARKEY, in his)
individual capacity; DANIEL)
PERRINO, in his individual)
capacity; ANTHONY KOZIER, in)
his individual capacity;)
DETECTIVE SERGEANT CAMPBELL)
(SHIELD #48), in his)
individual capacity; SEAN)
SPILLANE, in his individual)
capacity; and RICHARD ROE)
SUPERVISORS #1-10, in his)
individual capacity.)

Defendants.)

-----)



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1
2 DEPOSITION of JOHN T. FRENCH in the
3 above-entitled matter, held at the offices of
4 Grandinette & Serio LLP, 114 Old Country Road,
5 Mineola, New York, before Helga Christiane
6 Lavan, a Notary Public of the State of New
7 York.

8
9 April 29, 2011
10 114 Old Country Road
11 Mineola, New York
12 10:05 a.m.
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One West Street
Mineola, New York 11501

BY: MICHAEL J. FERGUSON, ESQ.
Deputy County Attorney

ALSO PRESENT:

NADJIA LIMANI, Esq.



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JOHN T. FRENCH

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5

1 J. French
2 (Whereupon, Exhibits 265 through 270
3 were marked for identification.)

4 Whereupon,
5 JOHN T. FRENCH,
6 after having been first duly sworn, was
7 examined and testified as follows:

8 EXAMINATION BY
9 MS. CORNWALL:

10 Q. Good morning, Mr. French.

11 A. Good morning.

12 Q. We met off the record. My name is
13 Deborah Cornwall. I'm a lawyer for two of
14 three plaintiffs in this civil lawsuit against
15 Nassau County. I represent John Restivo and
16 Dennis Halstead.

17 I believe you've met Mr. Ferguson
18 before today, right?

19 A. Yeah.

20 Q. You just met Ms. Limani who also
21 represents Nassau County and individual police
22 officers, civil defendants in the case.

23 Have you ever had your deposition
24 taken like this before?

25 A. No.



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J. French

Q. I'm going to ask you some questions. I'll ask you to answer to the best of your memory. If any of my questions are unclear or confusing, let me know and I'll rephrase it. If you want to take a break at any time just let us know.

A. Okay.

Q. After I've finished questioning -- well, first, during my questioning you may hear objections from counsel on the other side. Because there's no judge here to rule on those objections, they go into the record. You can answer the question and the judge can sort out those issues later on.

A. Okay.

Q. Then Mr. Ferguson or Ms. Limani will have a chance to ask you questions when I'm through and we'll try to get you out of here as quickly as we can. I know you have other plans.

A. Thank you.

Q. Let's start by putting your full name into the record.

A. John Thomas French.



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1 J. French

2 Q. Where do you live?

3 A. 224 -- 364 Vincent Avenue in
4 Malverne -- Lynbrook, New York.

5 Q. You live in Lynbrook?

6 A. I live in Lynbrook. I also have a
7 mailing address in Malverne as well which is
8 my mom's house.

9 Q. Where did you go to high school?

10 A. Malverne High School.

11 Q. Did you graduate?

12 A. Yes.

13 Q. When did you graduate?

14 A. 1981.

15 Q. Did you go to school after then?

16 A. I had gone to Nassau Community
17 College night school going for my associates
18 which I got about 30 credits. So I never
19 finished that.

20 Q. What do you do for a living now?

21 A. I'm in Local 3. I'm an alarm service
22 technician, I do fire and burglary.

23 Q. For --

24 A. For A.D.T.

25 Q. Do you know what A.D.T. stands for?



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J. French

A. American District Telegraph.

Q. Of course you do.

A. 1874 is when they started.

Q. When did you start with them?

A. About 15 years ago. 1996.

Q. I would like to take you back to
November of 1984.

A. Okay.

Q. First of all, how old are you now?

A. I'm 47 now.

Q. What year were you born?

A. 1963.

Q. So we could do the math. But how old
were you as of November of 1984?

A. Well, if you want to do the math --
21 years old. Approximately 21.

Q. Close enough. Where were you living
in November of '84?

A. On Broadway in Malverne.

Q. Who were you living with there?

A. With my mom and my sisters.

Q. Which sisters?

A. Lisa and Lori.

Q. And what's the birth order?



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J. French

A. I'm the oldest and my sister Lisa is a year younger and my sister Lori is approximately four, five years younger than me.

Q. So they were in their late teens around this time?

A. Correct.

Q. And did you work at that time?

A. Yes.

Q. What did you do?

A. I was a -- the head of a shipping department at Lemarc Watch Company in Malverne.

Q. That was a supervisor kind of position?

A. I wasn't supervisor. I ran the shipping department. I wasn't really supervising. There was a manager above me. But...

Q. Did you own a car in November of 1984?

A. Yes.

Q. What kind of car did you have?

A. A 1971 Oldsmobile Delta 88.



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10

1 J. French

2 Q. You have a very good memory. You
3 know specifically?

4 A. I love my vehicles.

5 Q. Okay. Was that your first car?

6 A. No.

7 Q. Was it the first one you had ever
8 bought?

9 A. No.

10 Q. You said a '71 Oldsmobile Delta 88?

11 A. Correct.

12 Q. What color was it?

13 A. Gold.

14 Q. And do you recall when you bought the
15 car?

16 A. Don't remember exactly when I bought
17 it, no.

18 Q. But you know you had it as of
19 November '84?

20 A. Yes.

21 Q. Do you recall how much you bought it
22 for?

23 A. No.

24 Q. Okay.

25 A. I know I bought it off my friend's



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JOHN T. FRENCH

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1 J. French
2 father who was a police chief. That's all I
3 remember.

4 Q. Where was he police chief?

5 A. I believe -- I forgot. I totally
6 forgot. Haven't seen him in years.

7 Q. What was your friend's name?

8 A. Bill Kniffing. K-N-I-F-F-I-N-G. One
9 or two Fs, I'm not sure.

10 Q. Thank you.

11 Did you take good care of that car?

12 A. Absolutely.

13 Q. And how did you care for it?

14 A. I always made sure the oil was
15 changed. I washed it, cleaned it. I love my
16 vehicles.

17 Q. Did you keep it clean on the inside
18 too?

19 A. Yes.

20 Q. Did there come a time in November of
21 1984 when something happened to your car?

22 A. My car was stolen. I believe it was
23 November. Yes.

24 Q. Did you report it to the police?

25 A. Yes.



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1 J. French

2 Q. How soon after you realized it was
3 missing did you make that report?

4 A. Immediately.

5 Q. Where had you been -- withdrawn.

6 Let me ask that a different way.

7 Where did you last park the car
8 before you realized it was stolen?

9 A. The car was parked on Lakeview Avenue
10 on the Lynbrook side while I was across the
11 street in Malverne at my friend's house.

12 Q. Whose house were you at?

13 A. Michael Becht, B-E-C-H-T.

14 Q. Were you just visiting him or were
15 there other friends there?

16 A. Yes. There were probably about ten
17 people there altogether.

18 Q. It was a party?

19 A. Yeah. It was like a little bit of a
20 party. We got together often just to hang
21 out.

22 Q. Friday night?

23 A. I don't remember.

24 Q. Let me show you a document -- and
25 when you say you made a report to the police,



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13

1 J. French
2 was that the Lynbrook police?

3 A. Correct.

4 Q. This is a document we've been
5 provided that has been marked Exhibit 166.
6 I'll ask you to just page through it and then
7 I'm going to ask you some questions.
8 Specifically turning to the second page, if
9 you would.

10 Do you recognize this page?

11 A. No.

12 Q. It appears to be a supporting
13 deposition motor vehicle/boat and registration
14 plates from the police department in Nassau
15 County. It has your name at the top there,
16 John T. French.

17 (Pause.)

18 You know what? You're on the third
19 page.

20 A. There's only two pages here.

21 Q. It's double-sided.

22 Let's try this again.

23 Take a look at that page, if you
24 would (pointing).

25 A. Okay.



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JOHN T. FRENCH

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14

1 J. French

2 Q. And this appears to be a report that
3 your car had been stolen?

4 A. Correct.

5 Q. Do you recognize this page now?

6 A. No.

7 Q. Do you see a signature at the bottom
8 of the page?

9 A. Yes, I do.

10 Q. Is that yours?

11 A. Yes, it is.

12 Q. What's the date of this report? If
13 you look on the lower left.

14 A. 11/10/84.

15 Q. Do you see a time next to that box?

16 A. 23:25.

17 Q. So is it fair to say that you
18 reported your car stolen around 11:30 at
19 night, something like that?

20 A. I would say it would be fair to say,
21 yes.

22 Q. Just going up to the top of this
23 sheet, it says: I -- and the name is filled
24 in -- John T. French certify that I reside
25 at -- and the address is blocked out. And



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1 J. French

2 that between 1:30 p.m. -- right?

3 A. Correct.

4 Q. -- on 11/10/84 and time 23:05 p.m. --
5 right?

6 A. Correct.

7 Q. -- date 11/10/84, motor vehicle --
8 okay -- now, finishing that sentence, says --
9 was stolen from post number 3 location.

10 Why don't you read the location into
11 the record, if you could?

12 A. "South side Lakeview Avenue, 200 feet
13 west of Ocean Avenue."

14 Q. In Lynbrook, New York?

15 A. Yes.

16 Q. Is that consistent with your memory
17 of where the car had been parked?

18 A. It's pretty consistent, yeah.

19 Q. You said you were at Michael Becht's
20 house across the street from where the car was
21 parked.

22 A. Correct.

23 Q. Was the car in a parking lot or on
24 the street?

25 A. It was on the street at -- there was



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J. French

a gas station across the street. It was,
like, parked in front of the closed gas
station.

Q. Did you regularly visit your friend
Mike Becht?

A. Yes.

Q. Was it your practice to park the car
at the gas station in front of it there?

A. It wasn't -- I could have parked it
anywhere -- it wasn't like a common practice.
But, obviously, that night I had.

Q. Did you know anyone who worked at the
gas station?

A. No.

Q. Now, there's more information here
describing your car in the next section. You
don't remember the license plate now, do you?

A. No.

Q. Do you see the box next to "motor
vehicle" it says "license plate number"?

A. Correct.

Q. It says, "5233 BJN"?

A. Correct.

Q. "Oldsmobile Delta 88, four-door



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17

1 J. French

2 sedan"?

3 A. Correct.

4 Q. "Gold with a black top."

5 Did it have a black top?

6 A. I believe so.

7 Q. It says there was a hunting knife
8 above the passenger door?

9 A. I probably would have one there.

10 Q. The outdoors man that you are?

11 A. Yes.

12 Q. So to the best of your memory, the
13 information written in on page two of Exhibit
14 166 is accurate?

15 A. Correct.

16 Q. All right.

17 I'm going to ask you to look at a map
18 so we could get our bearings. It's a little
19 bit hard to read. But let's see how we do.
20 It's Exhibit 170-A, previously marked.

21 Now, do you see written onto the map,
22 maybe two-thirds of the way down, there's a
23 small, circled number 3 and to the right it
24 says, "John French reported car stolen from
25 this location"; do you see that?



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JOHN T. FRENCH

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18

1 J. French

2 A. I see numbers 1, 2, 24 and 27.

3 Oh, up there. Okay. Oh, okay.

4 Yes. Number 3, I see.

5 Q. And do you see the street that is
6 just above the 3, going left to right, is
7 Lakeview Avenue?

8 A. Correct.

9 Q. And going top to bottom to the left
10 of the 3 would be Ocean?

11 A. Correct.

12 Q. Is that approximately the location
13 where your car had been parked?

14 A. Correct.

15 Q. So that would be an accurate
16 representation of that on the map?

17 A. Correct.

18 Q. Okay. Thank you.

19 When did you -- well, going back to
20 your report. You reported that it was stolen
21 between 21:30, which is 9:30 at night in
22 military time, and 23:05, about 11:05 p.m.
23 Had you just been in Mike Becht's house with
24 friends during that period?

25 A. Yes. Correct.



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J. French

Q. Do you recall who else was at the party?

A. No.

Q. Was it kind of just a regular group of friends?

MR. FERGUSON: Objection.

A. Correct.

Q. Had you left the keys in the car?

A. I did leave a spare set under the mat. I believe it was the passenger-side mat.

Q. Did you do that from time to time?

A. I did it for -- in case I forgot my keys or lost my keys while I was away somewhere.

Q. Did you ever let friends drive the car?

A. Rarely.

Q. You didn't go for, you know, more drinks or take a ride around the block or anything like that?

A. No. Not to my recollection.

Q. Did anyone else know you had a set of keys under the mat?

A. I do not remember. I don't know.



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JOHN T. FRENCH

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J. French

Q. So you testified a minute ago that you immediately reported to the police when you found out the car was not there?

A. Correct.

Q. Did you physically go to the police department?

A. Correct.

Q. Did you go with someone?

A. Yes. But I don't remember who.

Q. I'm just going to show you what we've marked as Exhibit 266 now. This was provided to us by the Lynbrook Police.

Do you see the entry next to 23:10 on the left side?

A. Yes.

Q. It says, "John French of 1 Ocean Avenue, Malverne, reports his auto stolen, car 563 613."

That's consistent with the timing that you reported your car missing to the Lynbrook Police?

A. Yes.

I'm not from 1 Ocean Avenue. I happened to be at 1 Ocean Avenue.



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JOHN T. FRENCH

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21

1 J. French

2 Q. So that would be inaccurate?

3 A. Correct.

4 Q. Then going down two entries to 23:45.

5 "Complaint number 1084, unauthorized use of a
6 motor vehicle."

7 Do you see that?

8 A. Yes.

9 Q. It discusses an officer present
10 reporting that, "Complainant, John T. French
11 of 58 Broadway, Malverne" -- that's you,
12 right?

13 A. Yes.

14 Q. -- "reports unauthorized use of motor
15 vehicle from Lakeview Avenue near Croyden
16 Street"?

17 A. Croyden Street?

18 Q. Croyden street? Is that near the
19 location where you had parked the car?

20 A. Not really.

21 Q. So that may be inaccurate?

22 A. It's in the same -- Croyden Street is
23 in Malverne.

24 Q. Okay. Right at the border of
25 Malverne and Lynbrook where you are?



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J. French

A. Kind of.

Q. But not exactly right where you were.

A. No.

Q. Okay. So there's that complaint number 1084 which was assigned to that entry, just for Lynbrook's purposes, which is the same report number on --

A. What do they mean by "misuse of a vehicle"?

Q. Well, let me see if you have an idea about that.

When you reported to police that your car wasn't where you had parked it, was there a possibility in your mind someone had just taken it for a joyride?

A. Yes.

Q. Did you have any ideas in mind about who might have done that?

A. No.

Q. Had there been anyone at the party or at Mike's house who had left before you?

A. I don't remember.

MR. FERGUSON: There wasn't a party. They just hung out. It wasn't a party.



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1 J. French

2 A. It wasn't a party.

3 Q. Sorry. At Mike's house.

4 A. Correct.

5 Q. And did you tell the Lynbrook Police
6 you thought someone may have just taken it for
7 a ride as opposed to stealing it?

8 A. I don't remember. I reported it
9 stolen. That was that.

10 Q. So with the one set of keys that were
11 under the mat on the floorboard, you still had
12 keys on you; is that right?

13 A. Correct.

14 Q. After you made the report to the
15 Lynbrook Police that evening of November 10th
16 of 1984, did you do anything to look for your
17 car?

18 A. Yes.

19 Q. What did you do?

20 A. I drove around all over the place
21 looking for my car.

22 Q. And did there come a time when you
23 found it?

24 A. Yes, there was.

25 Q. About how long after it was stolen



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24

1 J. French

2 did you find your car?

3 A. I do not recall.

4 Q. Where did you find it?

5 A. On Woodfield Road in Lakeview.

6 Q. Who were you with when you found it?

7 A. I believe I was with my sister.

8 Q. Which one?

9 A. Lori.

10 Q. Let's take another look at that map,
11 Exhibit 170-A. You see the first typed entry
12 on the right side, number 6, "Location where
13 John French reported finding his car"?

14 A. Number 6?

15 Q. And then another -- very small,
16 circled 6 on the map next to the railroad
17 tracks. It's up here (pointing).

18 A. Down here?

19 Q. All the way up here. See that?
20 "Location"? Then there's a 6 right in there?

21 A. Oh, I see.

22 That appears to be approximately
23 where I found it.

24 Q. By Lakeview near the railroad tracks?

25 A. Correct.



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JOHN T. FRENCH

April 29, 2011

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1 J. French

2 Q. And that's in Malverne?

3 A. No. That's in Lakeview.

4 Q. So that entry number 6 on the map
5 would be accurate?

6 A. Correct.

7 Q. What condition was the car in when
8 you found it?

9 A. It was abused.

10 Q. How so?

11 A. Windshield was cracked, the rearview
12 mirror was ripped off and it smelled funny.

13 Q. Funny how?

14 A. Just like it's been sitting, I guess.
15 I remember being unhappy about the car because
16 I loved the car so much, being in that
17 condition.

18 Q. How about the radio and the speakers,
19 were they still in the car?

20 A. I don't remember. I don't recall.

21 Q. How were -- what was the condition of
22 the inside of the car?

23 A. A little beat up, so to speak.

24 Q. Can you be more specific about --

25 A. No, I can't. I'm sorry.



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1 J. French

2 Q. Okay. What did you do when you found
3 the car?

4 A. I believe we went back to my house
5 and got the keys and we went back to the car.
6 And then I brought it to the Lynbrook Police
7 Department.

8 Q. And when you got to the Lynbrook
9 Police Department, what happened at that
10 point?

11 A. I just remember telling -- well, I
12 know I had told them that I found my car and
13 that was that. That's all I remember.

14 Q. Your sister Lori testified a couple
15 of weeks ago; are you aware of that?

16 A. Correct.

17 Q. And she testified to finding girl's
18 inside-out striped jeans inside your car?

19 A. I do remember girl's jeans in the
20 car. Yes, I do.

21 Q. Where did you see girl's jeans in the
22 car when you found it?

23 A. I forgot.

24 Q. On seats, under seats --

25 A. I do not recall.



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1 J. French

2 Q. -- front or back?

3 A. I do not recall.

4 Q. Do you as you sit here today remember
5 seeing girl's inside-out striped jeans in the
6 car when you found it?

7 A. I don't remember what they looked
8 like. I remember they looked like blue jeans
9 of some type.

10 Q. Did you pick them up?

11 A. Probably.

12 Q. Do you recall what happened to those
13 jeans?

14 A. We brought them to the Lynbrook
15 Police Department, I believe.

16 Q. And that's the last you saw of them?

17 A. Correct.

18 Q. Had there been girl's jeans in your
19 car when you last left it to go into Mike
20 Becht's house?

21 A. Not to my recollection.

22 Q. Did you ask around among your friends
23 if they could have been any of theirs, the
24 pair of jeans?

25 A. I don't recall.



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1 J. French

2 Q. Were you aware at this time that a
3 teen-age Lynbrook girl named Theresa Fusco had
4 been reported missing?

5 A. I don't recall the chronologic -- I
6 don't remember the chronological part of that.

7 Q. So I'm just going to see if we could
8 jog your memory by showing you the missing
9 poster that was around town. It's Exhibit
10 168.

11 Do you remember seeing this years
12 ago?

13 A. I remember seeing -- I don't remember
14 this specific one. But I remember seeing a
15 poster of a missing girl.

16 Q. You see one of the things on the
17 description of what she was wearing was
18 striped blue jeans?

19 A. Okay.

20 Q. So at the time that you found the car
21 and the jeans in the car, did you make any
22 kind of connection in your own mind that they
23 might have been connected to Theresa Fusco at
24 this point?

25 A. I don't recall.



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J. French

Q. So you drop off the jeans, take the car to Lynbrook to let them know you had your car back, you take the car home. So it was in drivable condition?

A. Yes.

Q. It wasn't stripped, you could use your key?

A. Well, the lock had been broken off anyway. You know, the ignition lock had been broken off. I probably could have used a screwdriver, but I used my key. You know, that's what I did.

Q. And referring to the lock, you're referring to the lock on the ignition as opposed to the lock on the outside of the car?

A. Correct.

Q. Had you left the car doors locked or unlocked?

A. I don't recall.

Q. Were you in the habit of locking your car doors?

A. I don't recall.

Q. Do you recall if there was damage to the lock on the doors?



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1 J. French

2 A. I don't recall.

3 Q. Please take another look at Exhibit
4 166, the first page, the case report of the
5 vehicle recovery. Again, this refers to the
6 same report, 1084, in that upper left-hand box
7 that related to the report that your car had
8 been stolen. Do you see that?

9 A. Yes.

10 Q. It's describing your car; right?

11 A. Correct.

12 Q. And on the right side going five
13 boxes down, do you see a box called "ignition
14 pulled"?

15 A. Yes.

16 Q. And the box for "no" is X'd out.

17 A. Okay.

18 Q. Is that accurate to say that the
19 ignition was not pulled?

20 A. I -- I don't know. "Pulled" means
21 they pulled it out? I just said the ignition
22 lock was broken off. I don't know what the
23 exact terminology of "ignition pulled" would
24 mean in that state.

25 Q. And the date, it says, the car was



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1 J. French
2 recovered is 11/18/84, on the left side of the
3 next line. Do you see that?

4 A. Okay.

5 Q. Which is about a week after it went
6 missing?

7 A. Oh, yeah. I was just checking.
8 Okay. Only a week later.

9 Q. Is that consistent with your memory?

10 A. I don't recall.

11 Q. You don't remember specifically?

12 A. I don't recall. No.

13 Q. No reason to disbelieve this police
14 report?

15 A. No. I don't see any reason to
16 disbelieve that.

17 Q. Now, it says, at the bottom, there's
18 additional details written in, "Registered
19 plates 5233-BJN New York belonging to owner
20 were put on a car owned by Debra Ann DiCarlo,"
21 and then there's something blacked out, "her
22 plates registered," and then it's blacked out,
23 "New York, were found in the stolen vehicle."
24 Both sets of plates have been exchanged."

25 When you found your car did there



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1 J. French

2 come a time when you realized that the wrong
3 plates were on it?

4 A. No. I did not realize. I was so
5 excited to have found the car I never even
6 checked the plates.

7 Q. So did there come a time that you
8 were made aware that the wrong plates were on
9 the car?

10 A. That is correct.

11 Q. How did that happen?

12 A. My neighbor Chris Ambrico (phonetic)
13 who lived a couple of houses down on Broadway
14 came over and he immediately realized -- he is
15 a very big motor head, into race cars and
16 stuff -- he noticed immediately, to my
17 amazement.

18 Q. When you say immediately, was it the
19 same day you brought back the car?

20 A. I don't recall.

21 Q. What did you do when he told you you
22 have the wrong plates on your car?

23 A. I brought it straight to the police
24 department.

25 Q. What happened when you brought it



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1 J. French

2 back?

3 A. The Lynbrook Police Department took
4 my plates -- took those plates from my car.

5 Q. And did you receive your own plates
6 back at some point?

7 A. I believe not at that moment.
8 Obviously.

9 Q. But did there come a time when your
10 plates were given back to you?

11 A. I don't recall but I would imagine
12 so.

13 Q. So you could drive it again?

14 A. Absolutely.

15 Q. So you have your car back. You have
16 your plates back. You said the car was --
17 what was the word you used for its condition?
18 Forgive me.

19 A. The word I just used? I'll use a new
20 word. It was a little bit in shambles.

21 Q. Okay. So at some point after you got
22 your car home, did you clean it up and fix it
23 up?

24 A. Knowing me, I probably would because
25 I'm kind of a little anal when it comes to



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1 J. French

2 neatness and things. So I probably did clean
3 it up as much as I could.

4 Q. As you sit here today, do you
5 remember specifically what you did to clean it
6 up on the inside of the car?

7 A. No. I don't recall.

8 Q. Do you remember if you vacuumed out
9 the car?

10 A. I don't recall.

11 Q. I'm going to ask you a number of
12 questions. If you remember, you remember; if
13 you don't, that's okay.

14 A. Okay.

15 Q. Did you wipe down the seats and the
16 dash?

17 A. I don't recall.

18 Q. Did you clean the windows?

19 A. I don't recall. I -- it was too long
20 ago to be specific on that.

21 Q. But fair to say as a general matter
22 you took meticulous care of your car?

23 A. Yes.

24 Q. And you got it back to a sparkling
25 clean state so you could drive it?



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J. French

A. I don't recall. I remember being upset that it used to be sparkling clean and then it was messed up. So I may have been a little disgruntled over the fact it was destroyed. So I don't know how well I took care of it afterwards.

Q. It's fair to say you did a thorough job in cleaning it up?

A. I would probably say so.

Q. Did there come a time sometime later in 1984 when you were contacted by Nassau County police about the car?

A. No. I contacted Nassau County police.

Q. When was that?

A. Sometime afterwards. When I had realized Theresa Fusco was missing on the same date my car was stolen.

Q. So did there come a time when you made the connection between Theresa Fusco's disappearance and the car being stolen?

A. Yes.

Q. To the best of your ability, could you explain to me how that happened and when



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J. French

it happened?

A. I don't remember any of that. Like, I don't recall -- once again, I don't recall the chronological order of how that all went down. But I do know for a fact, when I realized she was missing the same date as my car, that's when I contacted Nassau County detectives. But I don't remember what order it was or what day it was or how that went down.

Q. And it was really the timing that, in your mind, led you to call the police?

A. I remember seeing -- I believe that it was when I saw the -- when I saw the date that she was missing and my car being stolen that night, I thought there may have been a connection. So I called the police department about that.

Q. I'm going to show you Exhibit 267. It's a copy of a New York Post article from Friday, December 7 reporting that the body of Theresa Fusco had been found.

MR. FERGUSON: This hasn't been previously marked, right? Has not been marked



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1 J. French

2 so it's today's date.

3 MS. CORNWALL: Right.

4 Q. You see the date, Friday, December 7,
5 1984 on the top there.

6 A. Okay.

7 Q. Did you become aware by seeing the
8 news or reading the paper that Theresa Fusco's
9 body had been found in early December of 1984?

10 A. I don't recall.

11 Q. The date of this story -- it says in
12 the first paragraph, "Her mother had learned
13 yesterday that her body was found."

14 Do you see that?

15 A. Okay.

16 Q. In the first paragraph there.

17 A. Okay.

18 Q. So I would like to show you --

19 A. Just for the record, I'm not sure
20 whether I called the police department while
21 she was missing or after she was found. I
22 don't recall. I just know I remember calling
23 them. But I don't remember if it was when
24 they found her body or while she was missing.
25 I don't recall that. That's why the



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1 J. French
2 chronological part is, you know, I don't
3 remember. It was a long time ago.

4 Q. Who did you call when you called the
5 police?

6 A. Nassau County Police Department.

7 Q. And do you know who they connected
8 you to?

9 A. I do not recall.

10 Q. Sometime soon after your phone call,
11 did you receive a visit from Nassau County
12 Police?

13 A. Correct.

14 Q. Please take a look at what's been
15 previously marked as Exhibit 161 and the date
16 on it is 12/6/84 at 18:40 hours or 6:40 in the
17 evening.

18 Do you see that?

19 A. Okay.

20 Q. And that is very soon after the
21 victim's body was found. You know, you can
22 look at the news article which was published
23 the next day.

24 A. I see that.

25 Q. This Exhibit 161 says, "Present at 58



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1 J. French
2 Broadway, Malverne, New York, home of John T.
3 French" -- that was your address, right?

4 A. Correct.

5 Q. It says, "He stated that on 11/10/84
6 his 1971 Oldsmobile sedan registration 5233
7 BJN New York, his car was parked on the
8 southwest corner of Lakeview Avenue and Ocean
9 Avenue, it was stolen sometime between 21:30
10 to 23:05 hours that date."

11 That's an accurate description of
12 your car being stolen and your description of
13 your car; right?

14 A. Correct.

15 Q. As you sit here today, do you
16 remember that first visit from Nassau Police
17 to your house at 58 Broadway?

18 A. Vaguely.

19 Q. Reading on in Exhibit 161, it says,
20 "On 11/18/84 Mr. French went out looking
21 around for his car."

22 That's true, right?

23 A. Correct.

24 Q. "He entered Lakeview and found it
25 parked on Woodfield Road near the railroad



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1 J. French

2 tracks."

3 A. Correct.

4 Q. That's accurate?

5 A. Correct.

6 Q. It says, "He then got his keys and
7 drove the car to Lynbrook P.D."

8 Right?

9 A. Correct.

10 Q. "Prior to going to the P.D., his
11 sister Lori found a pair of lady's blue jeans
12 with stripes."

13 Is that accurate?

14 A. Correct.

15 Q. "Blue jeans were inside out. Jeans
16 were found on right rear floorboard, halfway
17 under the right passenger's seat."

18 Is that a detail that you recall?

19 A. I don't recall that exact detail.
20 But I know they were in the car.

21 Q. When you first spoke to Nassau County
22 officers at your house, do you recall how many
23 of them came to the house?

24 A. I don't recall.

25 Q. Do you recall where in the house you



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1 J. French

2 spoke to them?

3 A. I don't recall.

4 Q. Do you recall if your sister Lori was
5 there at the same time?

6 A. I believe so.

7 Q. So was it possible that she supplied
8 the detail about the jeans and where she found
9 them to them?

10 A. I don't recall.

11 Q. And then at the bottom of Exhibit
12 161, there's the identifying information for
13 your car?

14 A. Yes.

15 Q. Showing you what's previously been
16 marked Exhibit 162, there is another document
17 provided to us from Nassau County Police. It
18 says, "Loss from John French's auto." There's
19 no date on this but let's go through it and
20 see if it is as accurate or if you remember.

21 First it says, "Rope." Sorry.

22 At the bottom it says, "Prepared
23 12/11/4 by Detective Mitchell?"

24 Do you see that?

25 A. Okay.



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J. French

Q. Do you remember Detective Mitchell?

A. No.

Q. Do you recall if Detective Mitchell or any other officer returned to your house after December 6th?

A. I don't recall.

Q. Do you recall if there was more than one meeting at your house?

A. I don't recall.

Q. Going back to the top, had there been rope in your car that was no longer there when you found it?

A. Probably.

Q. Why do you say probably?

A. Because the cars -- they were old cars. I probably would use it to have my car pulled or towed.

Q. Just in case?

A. Yeah. As a young man, the car is usually -- sometimes if I had problems, I couldn't afford to fix it right away. So I usually would keep things in my car to prepare for that.

Q. And rope was one of the things



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1 J. French

2 usually kept?

3 A. Yes.

4 Q. "Tools under the front seat wrapped
5 in plastic carrying case."

6 Was that something that had been in
7 the car that was no longer there when you
8 found it?

9 A. Details of the tools, I don't
10 remember. I always had tools in my car.
11 Correct.

12 Q. As you sit here now, do you recall if
13 those tools were still there when you found
14 the car?

15 A. I don't recall.

16 Q. "Cassette tapes, insurance cards,
17 coins, bills, floor mat."

18 Were those items that had been in the
19 car that were no longer there when you --

20 A. I don't recall. Probably.

21 Q. Next entry says, "Nothing was on the
22 back seat of the auto prior to theft of the
23 vehicle."

24 Is that accurate?

25 A. I don't recall.



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1 J. French

2 Q. "Radio was taken from dash. Sanyo
3 AM/FM cassette stereo, two speakers from rear
4 of car"?

5 A. That's probable.

6 Q. Does that refresh your memory that
7 your radio and speakers --

8 A. Yeah. I believe it does. Yes.

9 Q. -- were stolen?

10 A. Yes, it does.

11 Q. "Windshield was not broken prior to
12 theft."

13 A. That's correct.

14 Q. "At time of theft, French was
15 visiting Mike Becht, 1 Ocean Avenue in
16 Malverne."

17 A. Correct.

18 Q. All right.

19 When you were speaking to police at
20 your home, do you remember them taking notes
21 of what you were telling them?

22 A. I don't recall.

23 Q. Do you recall whether they told you
24 that either the timing of your car being
25 stolen or the jeans being found in it led them



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1 J. French
2 to want to investigate whether there was a
3 link between your car being stolen and Theresa
4 Fusco's case?

5 A. I honestly don't recall the
6 conversations with the police.

7 Q. Do you remember --

8 A. To be precise about things, I really
9 don't remember. It was a long time ago.

10 Q. The officers who came to visit you,
11 were they in plain clothes or uniform?

12 A. I don't recall.

13 Q. Do you remember anyone identifying
14 themselves as from the Homicide Unit?

15 A. I believe so. Yes.

16 Q. The next document --

17 MR. FERGUSON: Can I have a short
18 recess to use the men's room? Could we take a
19 break before we start?

20 MS. CORNWALL: Sure.

21 (Recess taken.)

22 Q. Mr. French, you mentioned that you
23 were in the habit of keeping things in the car
24 that would help you tow it if necessary,
25 right?



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1 J. French

2 A. Correct.

3 Q. Were you in the habit of keeping any
4 blankets in the car, tarps?

5 A. I don't recall.

6 Q. Please take a look at Exhibit 163
7 that I have put in front of you. It's a
8 handwritten document that says, "Statements
9 taken from John T. French taken 12/7/84."

10 Do you see that?

11 A. Yes.

12 Q. That's the day after Exhibit 161 was
13 made when there was a visit to you at your
14 home.

15 A. Okay.

16 Q. So this is at least a second meeting
17 with the police; is that fair to say?

18 A. Okay.

19 MR. FERGUSON: Sorry. What exhibit
20 number is this?

21 MS. CORNWALL: 163. The copy I gave
22 you has a sticker on it.

23 THE WITNESS: Want this one?

24 MR. FERGUSON: No, sir. Thanks.

25 Q. "My name is John T. French. I am 21



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1 J. French
2 years old being born on 7/31/63."

3 A. Correct.

4 Q. "I live at 58 Broadway in Malverne,
5 New York with my mother and two sisters. My
6 home phone number is 599-3227"?

7 A. Correct.

8 Q. At that time that was accurate?

9 A. Actually, now I remember it. Yeah.

10 Q. "Today Detective Sirianni of the
11 homicide squad was present at my home where he
12 showed me a length of rope and a brown, felt
13 pouch."

14 Do you remember that as you sit here
15 today?

16 A. I don't recall. No.

17 Q. Then it goes on, "I have positively
18 identified the rope and the pouch is mine. I
19 had the length of rope in the back seat of my
20 car because I used it to tie down a bed that I
21 transported for my friend."

22 A. Oh, okay.

23 Q. Does that refresh your memory?

24 A. It's so long ago I really don't
25 remember.



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JOHN T. FRENCH

April 29, 2011

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1 J. French

2 Q. Okay.

3 "The felt pouch I used to keep change
4 in"?

5 A. I don't remember.

6 Q. "In telling my story to Detective
7 Siriani of the homicide squad I've read and
8 signed it and it is the truth." Then, is that
9 your signature at the bottom?

10 A. Yes.

11 Q. Are you confident that when you
12 signed this statement on December 7th of 1984
13 your memory was fresher than it is now?

14 A. Of course.

15 Q. And you're confident that the things
16 that you wrote down -- that were written for
17 you, were the truth?

18 A. Yes.

19 Q. So you were shown a length of rope
20 and a leather pouch, it says?

21 A. Okay.

22 Q. Just take a minute and I'm going to
23 show you some photographs. As I pull them
24 out, let me ask, did the Nassau County Police
25 ask you if they could take your car in for



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1 J. French

2 processing --

3 A. Yes.

4 Q. -- to see if there is any evidence
5 that might link it to the Fusco case?

6 A. Correct.

7 Q. I'm going to show you photos.

8 A. There it is. Wow.

9 Q. You see the photo of your car.

10 I'm just going to mark these pages.

11 Handing you what's previously been marked
12 Exhibit 169. Let's start with the first photo
13 marked as 169-A.

14 Do you recognize what's depicted in
15 this picture?

16 A. Yes.

17 Q. What is it?

18 A. That's my car. My good ol' car.

19 Q. And it has your plates back on it?

20 A. I believe so. I don't remember my
21 plate numbers back then.

22 Q. Turning to the next page, B, it's a
23 little bit hard to make out. But it appears
24 to show a cracked windshield.

25 A. Correct.



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J. French

Q. Do you see that? And does that fairly and accurately depict the condition of the windshield after you found the car?

A. I would say yes.

Q. And just for the record, back to the first page again, is this a fair and accurate depiction of your 1971 Oldsmobile?

A. Correct.

Q. Turning forward to photograph C. Do you recognize this as a photograph of the back of the car where the speakers would have been?

A. I would say so.

Q. Was that a fair and accurate depiction of the hole left after the speakers were stolen?

A. I would say yes.

Q. Turning forward to --

A. Look at that dash. Wow.

Q. Is that a fair and accurate depiction of the dashboard of your Oldsmobile?

A. Yes.

Q. Does it fairly and accurately depict the condition of the car after you found it and cleaned it up?



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1 J. French

2 A. Correct -- well, I do see the rear
3 view mirror on the floor there. So I don't
4 know whether it was before or after I cleaned
5 it up.

6 Q. Can you see whether the radio is in
7 or not?

8 A. I can see it missing.

9 Q. Please turn to the next page, E.

10 A. Okay.

11 Q. Do you recognize this location?

12 A. It looks familiar.

13 Q. Page forward to F. Another view of
14 the same location by the railroad tracks.

15 A. Okay.

16 Q. And G, the next page, another view.

17 A. Okay.

18 Q. Do these photographs fairly and
19 accurately depict the location where you found
20 your car?

21 A. I don't recall exactly. But it is
22 the same area.

23 Q. Please page forward to H.

24 Was your car found in a dirt parking
25 area?



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1 J. French

2 A. Yes.

3 Q. Page I.

4 A. Okay.

5 Q. Does that look familiar?

6 A. I don't recall -- once again, I don't
7 recall the exact -- I'm not familiar with the
8 exact spot that the car was stolen from. But
9 I know, once again, it's the same area.

10 Q. Where it was found?

11 A. Correct.

12 Q. Please page forward to J.

13 A length of rope. Is this consistent
14 with the type of rope you would have kept in
15 your car?

16 A. I don't recall. I don't remember
17 that.

18 Q. How long did -- well, withdrawn.

19 How long did Nassau County keep your
20 car?

21 A. I remember longer than I wanted. But
22 I don't remember how long at all.

23 Q. Were you told anything about any
24 tests that had been done on it?

25 A. No.



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1 J. French

2 Q. Were you told any results of any
3 tests that have been done on it?

4 A. No.

5 Q. Exhibit 164, handwritten document
6 provided to us by Nassau County with a list of
7 people who were in John French's car.

8 A. Correct.

9 Q. Do you remember being asked who had
10 been in your car?

11 A. Yes.

12 Q. And did Nassau County Police tell you
13 why they were asking that question?

14 A. I believe to take hair samples to
15 negate people from the samples from the car, I
16 believe.

17 Q. If they were able to find hair in the
18 car?

19 A. If they were able to find hair.
20 Exactly.

21 Q. So let's go through the list.
22 Dave Washington. He had been in your
23 car?

24 A. Yes.

25 Q. Who was he?



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1 J. French

2 A. He worked with me and he did not have
3 a car. I would give him a ride home from time
4 to time.

5 Q. Had he ever driven your car?

6 A. No.

7 Q. Was he at Mike Becht's the night the
8 car was missing?

9 A. No. At least I don't believe that.
10 I wouldn't think so.

11 Q. To your knowledge did Nassau County
12 Police ever speak to him about the car?

13 A. I don't know.

14 Q. Are you still in touch with Dave
15 Washington?

16 A. No.

17 Q. How long has it been?

18 A. I don't recall.

19 Q. The next name on the list is Michael
20 Becht.

21 A. Yes.

22 Q. How did you know Mike Becht?

23 A. He was a good friend of mine who I
24 grew up with from second grade. We went to
25 Lady of Lourdes together and things like that.



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1 J. French

2 Q. Had he ridden in your car before?

3 A. Yes.

4 Q. Had he driven your car before?

5 A. I don't recall.

6 Q. Would you have called him your best
7 friend back then?

8 A. A very good friend. I wouldn't say
9 best. But a very good friend.

10 Q. To your knowledge did Nassau County
11 Police ever talk to him about the car?

12 A. I don't recall.

13 Q. Or the party?

14 A. I don't recall.

15 Q. Did you ever talk to him about the
16 fact that police had talked to you about the
17 car?

18 A. Recently?

19 Q. Ever.

20 A. I don't recall. I believe -- I may
21 have. Yeah.

22 Q. Did you and your friends have any
23 theories about what had happened during that
24 week, who had taken the car?

25 A. I remember thinking that it was



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1 J. French
2 somebody just taking it for a joyride. And,
3 once again, after I found out about Theresa
4 Fusco thing, I had called the police
5 department saying there could be a link, that
6 was the only time. After I realized the dates
7 were the same, like that, then I had called
8 the police department about my car.

9 Q. Are you still in touch with Mike
10 Becht?

11 A. Yes.

12 Q. Where is he now?

13 A. He lives in Pennsylvania.

14 Q. Where in Pennsylvania is he?

15 A. Salt Creek.

16 Q. The next person on the list is
17 Michael Wren.

18 A. Okay.

19 Q. Who is Michael Wren?

20 A. He was also a friend of mine from
21 back then.

22 Q. Says he worked as a private
23 investigator?

24 A. He did at one point.

25 Q. For whom?



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1 J. French

2 A. I don't remember.

3 Q. What did he do as a private
4 investigator?

5 A. I don't recall. He just did private
6 investigation work. I don't recall exactly
7 what he did.

8 Q. Did he have any theories about your
9 car?

10 A. I don't recall.

11 Q. Had he ridden in your car?

12 A. Yes.

13 Q. Had he driven your car?

14 A. I don't recall.

15 Q. Was he at Mike Becht's house the
16 night it was stolen?

17 A. I don't recall.

18 Q. Was he the part of the regular crew
19 of people who would be at Mike's house?

20 A. Yes. Probably.

21 Q. Are you still in touch with him, Mike
22 Wren?

23 A. No.

24 Q. When were you last in touch with him?

25 A. I don't recall.



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J. French

Q. Do you know where he lives now?

A. I do not know. No.

Q. Did he have any brothers?

A. Yes.

Q. What were his brothers' names?

A. I know he had Chris Wren, John Wren.

There was a couple of brothers. I don't remember them all. He had a big family.

Q. Did you ever learn that Mike Wren was a police informant?

A. No. I had no idea.

Q. Had you ever been to Mike Wren's house?

A. The house he grew up in in Malverne? Yes.

Q. Let's look at Exhibit 170-A, if I could bring it up here.

A. I have a copy here.

Q. Great. There you go.

So starting from location 6, near the top, where you found the car, do you see where Mike Wren lived in November of '84 on the map?

A. I know he lived on Rider Avenue in Melville -- Malverne.



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1 J. French

2 Q. In Lakeview?

3 A. In Malverne.

4 Q. All right. I think this map may be
5 too small?

6 MR. GRANDINETTE: Do you know if
7 that's an I or Y, Rider?

8 A. R-I-D-E-R.

9 Q. I don't want to make you go blind.

10 A. I'm getting older now. I may go with
11 laser vision instead of having reading glasses
12 and bifocal glasses.

13 Q. Let's get through this list. John
14 Livingston is the next one on the list. Who
15 is he?

16 A. Also one of our friends that we hung
17 out with back then.

18 Q. Was he at Mike Becht's the night your
19 car was stolen?

20 A. I don't know.

21 Q. Had he ridden in your car?

22 A. I believe so.

23 Q. Had he driven your car?

24 A. I don't recall.

25 Q. Are you still in touch with him?



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1 J. French

2 A. No.

3 Q. How about Maggie Scarpelli?

4 A. Yes. I had known her a long time as
5 well.

6 Q. Friend from school?

7 A. Yes. She hung out with us back then
8 also.

9 Q. Was she at Mike Becht's house that
10 night?

11 A. I don't recall.

12 Q. Are you still in touch?

13 A. Yes.

14 Q. Where is she?

15 A. She lives in Lynbrook. She's married
16 now.

17 Q. Do you know her married name?

18 A. McDonald.

19 Q. And she had ridden in your car?

20 A. Yes.

21 Q. Had she ever driven it?

22 A. I believe not.

23 Q. How about Susan Knight, how did you
24 know her?

25 With a K.



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1 J. French

2 A. Same thing. One of the girls we hung
3 out with.

4 Q. From school?

5 A. Yes.

6 Q. Was she at Mike Becht's house --

7 A. I don't recall.

8 Q. Had she ridden in your car?

9 A. I believe so.

10 Q. Had she driven your car?

11 A. I believe not.

12 Q. And are you still in touch with her?

13 A. No. But once in a while I probably
14 would see her. I know she lives in Merrick
15 and she's married also.

16 Q. What's her married name?

17 A. Halverson.

18 Q. How about Jackie Donovan?

19 A. Yes. She was definitely in my car.

20 Q. Had she driven your car?

21 A. I believe not. She's no longer with
22 us. She died in 9/11.

23 Q. Your sister told us. I'm so sorry.

24 A. Oh, she was such a great person. I
25 loved her so much.



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J. French

Q. How did you know Thomas Glasser?

A. He was a friend of mine also, Tommy.

Q. Was he at Mike Becht's that night?

A. I believe not. I'm not sure.

Q. What did he do for a living back then?

A. I don't recall.

Q. Had he ridden in your car?

A. Probably.

Q. Had he ever driven it?

A. I believe not. But I'm not sure.

Q. Are you still in touch with him?

A. No.

Q. How long has it been?

A. It's been a while.

Q. Do you know where he lives now?

A. I believe he lives out in South Hold.

Q. And Jennifer Cohn.

A. Yes.

Q. What was your relationship with her?

A. We kind of like -- she was a friend.

Q. Kind of dated?

A. Well, I think after Tommy we dated a little bit. But we weren't



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1 J. French

2 boyfriend/girlfriend.

3 Q. Was she at Mike Becht's that night?

4 A. I believe not. But once again, I
5 don't recall.

6 Q. She had ridden in your car?

7 A. Yes.

8 Q. Had she driven it?

9 A. I believe not. But I'm not sure.

10 Q. You said after Tommy, so did she date
11 Tom Glasser?

12 A. Yes.

13 Q. Are you still in touch with Jennifer
14 Cohn?

15 A. Not really. She's friends with
16 another friend of mine. So I'll see her once
17 in a blue moon.

18 Q. She's still in the New York area?

19 A. She lives upstate. She's a teacher.

20 Q. Then it says, "Mother and sister
21 moved John's car from time to time."

22 That would be your mom and Lori or
23 your other sister?

24 A. Yeah. My mom, Lisa, Lori, we all
25 lived in the same house. So yeah.



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1 J. French

2 Q. Now, all the people on these two
3 pages that we've just gone through, to your
4 knowledge do any of them know that you kept an
5 extra set of keys under the floor mat?

6 A. I don't recall. I don't recall.

7 Q. Then looking at the next page, "Hair
8 samples submitted 12/27/84."

9 Do you see that?

10 A. Okay.

11 Q. Thomas Keena, do you know who that
12 is?

13 A. Yes.

14 Q. Who is that?

15 A. He was a friend from back then also.

16 Q. Had he also been in the car?

17 A. I believe so.

18 Q. Had he ever driven your car?

19 A. I don't recall.

20 Q. Are you still in touch with him?

21 A. He's dead.

22 Q. Oh, I'm sorry.

23 A. I think he had a heart attack or
24 something. But I hadn't really been in touch
25 with him anyway. But I had just found out



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1 J. French
2 that he passed away though.

3 Q. Then Mrs. French, Lori and Lisa, your
4 mom and your sisters. How about -- we talked
5 about Dave Washington and then John French.
6 So do you remember Nassau County Police taking
7 hair samples from you?

8 A. Yeah. Vaguely I remember that.

9 Q. Do you recall where you were when
10 that happened?

11 A. I believe it may have been at my
12 house, Broadway in Malverne.

13 Q. So December 27th of '84. Third
14 visit. We had first visit on 12/6/84. We had
15 the statement on 12/7 and then another visit
16 on the 27th?

17 A. Even though -- obviously, on paper,
18 yes. I don't recall those dates. But, yes,
19 obviously it did happen.

20 Q. Fair enough.

21 A. That's okay.

22 Q. To the best of your memory were Tom
23 and Dave also at your house when samples were
24 collected?

25 A. I don't recall. I don't recall.



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J. French

Q. Did you ever hear back about the processing of those hairs?

A. I believe not. But I don't recall.

Q. After your car was returned back to you and the hair samples were taken, did Nassau County Police ever contact you again in 1984, 1985 or 1986?

A. I don't recall.

Q. Did any Nassau County District Attorney or prosecutor ever contact you to come talk to them or testify at a trial?

A. No. At a trial? No.

Q. Did any defense lawyer or investigator working for John Kogut or Dennis Halstead or John Restivo contact you in the 1980s?

A. I believe not.

Q. What's the next time after the end of 1984 anyone from Nassau County contacted you about your car and these issues?

A. I don't recall. My memory is very vague. It's so long ago.

Q. Well, when you walked in this morning Mr. Ferguson recognized you?



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J. French

MR. FERGUSON: How do you know that?

A. You said in the '80s.

MR. FERGUSON: Objection to the question.

Q. When you walked in -- I was there when you walked in, right, to the office?

A. Okay.

Q. And you saw Mr. Ferguson and he had a smile on his face and he reminded you that you two had met before; right?

MR. FERGUSON: Just note my objection.

A. Okay. I guess so.

Q. Do you remember when that meeting was?

A. No.

Q. But are you confident you have met with Mr. Ferguson before?

A. I didn't fully recognize his face. But so I just don't recall. I don't remember his face.

Q. Do you recall talking to him about these issues?

A. I don't recall. Yeah, it's -- I'm a



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1 J. French
2 very busy person. I may have spoke to
3 somebody. It may have been him. I don't
4 remember, you know.

5 Q. Do you recall being contacted by any
6 Nassau County detective in the last couple of
7 years about these issues?

8 A. Last couple of years? Not that I
9 recall.

10 Q. A Detective Hillman?

11 A. Oh, yes. Absolutely. Oh, God. I am
12 so busy it's like -- yes, I did talk to
13 Detective Hillman.

14 Q. How did Detective Hillman contact
15 you?

16 A. I forgot. Maybe he called me? I
17 don't recall.

18 Q. Are you on Facebook by any chance?

19 A. No.

20 Q. Me neither. We're the two people
21 left on the earth, I think.

22 Did you meet with Detective Hillman
23 in person?

24 A. Yes.

25 Q. Where was the meeting?



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J. French

A. It was at the Malbrook Diner in Valley Stream, border of Lynbrook, called the Malbrook Diner.

Q. How recent was that meeting?

A. Months ago. I forgot exactly when though.

Q. How did he introduce himself to you?

A. As a detective.

Q. And was it your understanding he was working on the Fusco case trying to solve that crime?

A. I don't recall.

MR. FERGUSON: Note my objection to the form of the question.

A. I don't recall. He just asked me some questions. That's all I remember.

Q. Did he tell you why he wanted to ask you questions?

A. Not specifically. From what I can recall -- I don't really remember. I was working in Valley Stream and I was very tired. So I met him there and that's all -- I remember him asking questions. I don't really recall exactly about what, you know.



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1 J. French

2 Q. Was anyone with him when you had that
3 meeting?

4 A. There was another detective with him.

5 Q. Detective Goldman, by any chance?

6 A. That's correct.

7 Q. Did they show you their badges?

8 A. I believe so.

9 Q. How long did you meet with Detectives
10 Hillman and Goldman at the diner?

11 A. We met over a cup of coffee. That
12 was about it. We had about a cup of coffee.
13 I don't remember how long exactly the meeting
14 was.

15 Q. And generally speaking, was the
16 subject of discussion your car and its being
17 stolen?

18 A. I believe so. I really don't
19 remember the questions in detail at all of
20 what they asked. Like I said, I was tired
21 that day. I work very hard.

22 Q. What time did you meet?

23 A. It was after work. So I don't
24 remember exactly what time. But it was after
25 work.



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1 J. French

2 Q. And you work --

3 A. Generally an 8-to-10 hour day. Now
4 8. No more overtime.

5 Q. Right. Other than the meeting over a
6 cup of coffee at the diner with Detective
7 Hillman and Detective Goldman, as you sit here
8 today do you recall having any other
9 meeting --

10 A. No, no.

11 Q. -- with Mr. Ferguson or any other
12 Nassau County person?

13 A. No.

14 Q. Were you asked to sign any statement
15 or document?

16 A. I don't believe so. I don't recall.
17 But I'm pretty easygoing. But I just don't
18 recall, you know.

19 Q. Sure.

20 Other than the statement that I
21 showed you a minute ago that you signed
22 identifying the rope and the pouch, do you
23 recall Nassau County police officers asking
24 you to sign anything else back in 1984 and
25 1985?



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1 J. French

2 A. Other than this? I don't recall.

3 Q. Was your sister Lori with you when
4 you met with Detectives Hillman and Goldman?

5 A. No.

6 Q. But you're aware that she did speak
7 to them?

8 A. I -- I'm not sure. I don't recall.

9 Q. Have you two talked about the fact
10 that you're being asked questions about these
11 events from so long ago?

12 A. We talked about it once, telling the
13 story to my mom. And we really didn't get
14 into it. You know, she's extremely busy like
15 me. So it's not really a topic of discussion
16 for us because we're just so busy.

17 Q. Sure.

18 Mr. French, did you know John
19 Restivo?

20 A. No.

21 Q. Had you ever met him?

22 A. No.

23 Q. Had you ever met Dennis Halstead?

24 A. No.

25 Q. Have you ever met John Kogut?



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1 J. French

2 A. No.

3 Q. Did you even know those names in
4 1984?

5 A. Not at all.

6 MS. CORNWALL: I have no further
7 questions at this time. But I'm sure
8 Mr. Ferguson will.

9 EXAMINATION BY

10 MR. FERGUSON:

11 Q. Good morning, Mr. French.

12 A. Good morning.

13 Q. Mr. French, I think you just said a
14 few minutes ago that you're not sure whether
15 you recognize me or did you say you don't
16 recognize me?

17 A. You look familiar. But I -- yeah --
18 but I didn't really fully recognize you right
19 off the bat.

20 Q. Okay. In the last two years has your
21 appearance changed at all?

22 A. Has my appearance changed?

23 Q. Yes.

24 A. In the last two years?

25 Q. Yes.



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1 J. French

2 A. Well, I did have a mustache which I
3 shaved off. My hair got a little longer.

4 Q. Did you have the hair that's, you
5 know, below the --

6 A. Yes. I always had that.

7 Q. But you used to have a mustache?

8 A. It bothered my girlfriend and I love
9 her. So I shaved it for her.

10 Q. Mr. French, although maybe you
11 vaguely remember me or you don't, do you
12 recall, though, that you did have a meeting
13 with attorneys from the county to discuss many
14 or most of the things that have been discussed
15 here today?

16 A. Yes. I remember going to Mineola. I
17 believe it was you and the D.A.? The girl?

18 Q. So you do remember a woman being
19 present as well?

20 A. Yeah.

21 Q. And --

22 A. Sullivan maybe?

23 Q. Your memory is getting better. Okay,
24 Mr. French.

25 Do you remember -- you do remember a



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1 J. French

2 meeting and it was one meeting and it was with
3 two people, male and female, and the female's
4 name was Sullivan?

5 A. Yes.

6 Q. Do you recall a Christine Sullivan?

7 A. Okay. Yes.

8 Q. And do you remember that both of us
9 spoke to you at the same time?

10 A. Yes. Absolutely.

11 Q. And that was the only meeting,
12 correct?

13 A. Yes.

14 Q. And you had been contacted in some
15 fashion and asked if you would be willing to
16 meet with us?

17 A. Sure.

18 Q. Do you recall how you were contacted?

19 A. No.

20 Q. Do you recall, Mr. French, that
21 before you actually sat down and met with us,
22 that you had some telephone conversation with
23 Ms. Sullivan?

24 A. I believe so. That's probably how I
25 was contacted.



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1 J. French

2 Q. Do you recall how long ago this was?

3 A. Not really, no. Maybe a year ago? I
4 don't really recall.

5 Q. Would it be at least a year ago?

6 A. Probably, I guess. I don't recall.

7 Q. Do you recall, Mr. French, speaking
8 to Ms. Sullivan on the phone and telling her
9 that you had previously been contacted by
10 someone else?

11 A. Yes.

12 Q. And who was that?

13 A. I believe it was the attorneys
14 from -- you guys.

15 Q. Pointing towards Ms. Cornwall?

16 A. Yes.

17 Q. Did you use the word Project Freedom?

18 A. Somebody told me about something. I
19 forgot. Or she said -- she mentioned
20 something. I don't recall.

21 Q. Do you recall who you were contacted
22 by for the attorneys for the other side?

23 A. I don't remember the name. I don't
24 remember the name.

25 Q. Did you describe that to Ms. Sullivan



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1 J. French
2 as a bad experience for you?

3 A. I was upset because I didn't like the
4 way they came to my mom's house and, like,
5 squeezed things out of her. She's very ill.
6 She has multiple sclerosis. I was upset about
7 that and she was upset. Having MS, to disturb
8 somebody and ask questions like that, really
9 hurts her. It makes her very weak, you know.
10 So I was very upset about that, I recall.

11 Q. Do you recall being approached by a
12 Mary Shembre, S-H-E-M-B-R-E.

13 A. The name -- I believe that's the
14 person who may have called me.

15 Q. Did that person indicate that she was
16 an investigator?

17 A. I don't recall.

18 Q. Did that person ask you questions?

19 A. Probably.

20 Q. Did you indicate in some fashion that
21 you had a problem with the way she was going
22 about that?

23 A. Yes. I -- like I said, being as busy
24 as I am, I felt like, you know -- I didn't
25 like the way she approached my mom and the



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1 J. French
2 way -- you know, it's like -- I didn't want to
3 get involved in, like, something that's not --
4 really has nothing to do with me, so to speak,
5 basically.

6 Q. This Mary Shembre, was she giving or
7 telling you information about what had
8 happened back in 1984?

9 A. I don't recall. I don't recall. She
10 called me during work and was a little
11 persistent. And I was really busy that day.
12 I remember I had a lot on my mind for work.

13 Q. Did she tell you that you could be
14 subpoenaed?

15 A. I believe so.

16 Q. How did that discussion come up?

17 A. I don't recall. I don't recall.

18 Q. The time that you met with Ms.
19 Sullivan, that was the same time that you met
20 with another attorney who you think is me; is
21 that correct?

22 A. Yes.

23 Q. I don't want to put words in your
24 mouth.

25 A. I believe it was you. Yeah.



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1 J. French

2 Q. If you didn't meet me that day, you
3 never met me before, right?

4 A. No.

5 Q. And you never met me since?

6 A. No.

7 Q. And we never spoke since, right?

8 A. No. Not at all.

9 Q. Okay. Now, the discussion with us
10 was about your car and the fact that it had
11 been stolen on November 10th around the time
12 that you've indicated, at the location you've
13 indicated, and that you recovered it when you
14 went out looking for it with your sister;
15 correct?

16 A. Correct.

17 Q. And you loved that car?

18 A. Yes.

19 Q. And you kept that car at the time
20 meticulously clean, did you say?

21 A. Yes, I did. I kept it clean, very
22 clean.

23 Q. And when you bought that car or when
24 you had the car, would it be fair to say that
25 that car was in good condition?



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J. French

A. Yes.

Q. Would it be fair to say that because of your love for that car, you maintained that car in very good condition?

A. Yes.

Q. And would it be fair to say, sir, that you never had occasion to tow that car at all?

A. I think one time something may have happened where, like, the fluid was drained on my radiator and I had to have it towed. Yeah. I mean, I had my friend tow it with me, you know.

Q. Do you recall how you did that, that tow that you say you did with your friend?

A. No. I remember having fluid problems with it where I didn't want to use it and overheat the car. I remember things like that happening it to it, you know.

Q. Do you recall telling, when you had met with myself and Ms. Sullivan, that you kept the car neat and clean and that you kept nothing in the back seat?

A. I would imagine so. I don't remember



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1 J. French
2 about keeping anything in the back seat or
3 not.

4 Q. Did you keep anything in the back
5 seat?

6 A. How could I -- I don't recall.

7 Q. Well, I understand you don't recall.
8 But based on the way you maintained that car
9 and the way you know you are, as you described
10 here today, would you have kept a back seat
11 disheveled with respect to a bunch of things?

12 MR. GRANDINETTE: Object to the form.

13 A. Not really. But, like I said, I did
14 keep it neat.

15 Q. Do you recall telling Ms. Sullivan
16 and myself that you would not normally keep a
17 rope in your car?

18 A. I don't recall.

19 Q. You were shown a statement, I think,
20 here today dated December 7, 1984, Exhibit
21 number 163. And do you have it in front of
22 you there? Do you see it? And in that
23 statement -- I think you already indicated you
24 don't specifically recall this now -- but the
25 statement says that, "I had the length of rope



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1 J. French
2 in the back of my car because I used it to tie
3 down a bed that I had transported for my
4 friend."

5 A. Okay.

6 Q. Now, would it be fair to say, sir,
7 after you recovered the car on November 18th,
8 you then continued to use that car?

9 A. Yes.

10 Q. And did you use it for work?

11 A. I don't recall. But I believe so.

12 Q. You were working at that Lemarc Watch
13 Company?

14 A. Yes. I'm sure I would have used my
15 car for work.

16 Q. That's how you did get back and forth
17 to work at that time; is that correct?

18 A. Yes.

19 Q. Would it be fair to say, then, in the
20 time period between November -- withdrawn.

21 Do you know, this statement being
22 December 7th, if the use of the rope here,
23 referring to "tying down a bed" whether that
24 could have been after you had recovered your
25 car on November 18th?



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1 J. French

2 A. I don't recall.

3 Q. You don't remember one way or the
4 other?

5 A. No.

6 Q. But this statement here, which you
7 don't remember exactly the details of it,
8 says, "I used it to tie down a rope that I
9 used to transport for my friend"?

10 A. Bed.

11 Q. Sorry. You used it to tie down a
12 bed. I think I said to tie down a rope.

13 "Used it to tie down a bed." Is that
14 something that you might do?

15 A. Yes. Yeah. I help people out a lot.
16 Yes.

17 Q. There's nothing, by the way, in this
18 statement, December 7th, that says anything
19 about why you normally kept a rope in your car
20 in case you needed to get a tow?

21 A. I imagine I did because even my other
22 cars before that -- you know, I was a young
23 kid. So I remember I always kept something to
24 be able to tow my car. You know, when you
25 can't afford to fix your car, as a young --



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J. French

you know, I was prepared if I needed to make a call and have somebody help me out.

Q. When it says, "I positively identified the rope and pouch," do you recall telling Ms. Sullivan and myself that the pouch may have been connected with the fact that you worked for the watch company?

A. Yes. Probably.

Q. And with the watch company you had pouches?

A. Yes.

Q. And you remember telling us that?

A. I believe -- yeah.

Q. And do you have -- withdrawn.

One of the things, would it be fair to say, Mr. French, that as you testify here today, that after you got your car back it was you who contacted the Nassau County Police Department because you thought there might be a connection between your car and the death of this woman?

A. Yes. Yes.

Q. And you were living in the community at the time and the discovery of the body of



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1 J. French

2 this woman was a big deal; wasn't it?

3 A. Yes.

4 Q. And you knew that this was something
5 that had occurred recently and that no one had
6 been immediately apprehended for this, right?

7 A. Yes.

8 Q. And you knew that the dates were,
9 when she supposedly went missing, was the same
10 date and time when your car went missing,
11 right?

12 A. Yes.

13 Q. So you thought there possibly could
14 be a connection, right?

15 A. Yes.

16 Q. And you, in fact, told that to Ms.
17 Sullivan and myself?

18 A. Yes.

19 Q. And you contacted the police
20 department, right?

21 A. Correct.

22 Q. Did you tell us that the police,
23 homicide police came right away?

24 A. I believe they did, yes.

25 Q. Did you tell us that they took your



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1 J. French

2 car on a flatbed truck?

3 A. Yes.

4 Q. And they took it away right away,
5 didn't they?

6 A. Yes.

7 Q. And that you were driven to
8 headquarters in the back of a detective car,
9 yes?

10 A. Yes.

11 Q. And that was something that never
12 happened to you before, right?

13 A. No.

14 Q. So there was no doubt in your mind
15 that the police were very interested in this
16 car?

17 A. Yes.

18 Q. And they didn't try to drive it, in
19 fact, they put it on a flatbed?

20 A. Absolutely.

21 Q. And they took you right down to
22 homicide, right?

23 A. Yes.

24 Q. And then, according to what you've
25 been asked here today from the newspaper



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1 J. French

2 articles that you were shown, this was right
3 after, within a day or so of the body being
4 discovered of this woman?

5 A. Chronologically I don't remember the
6 dates about these things. But if it's on
7 paper, then it must have happened, you know.

8 Q. You were shown here documents today
9 indicating that you were spoken to by the
10 police, say, on December 6th by detectives on
11 December 6, 1984 and also December 7th, I
12 think, am I correct, 1984?

13 A. Yes.

14 Q. And also there was here a
15 statement -- there was also, you mentioned,
16 the hair and there's another statement here --
17 let me see if I can get my hands on it right
18 now. There's a statement that you were shown
19 today that was marked today as an exhibit.
20 But it says prepared by Detective Mitchell and
21 it's December 11th?

22 MS. CORNWALL: Exhibit 162.

23 A. Correct.

24 Q. So the -- do you recall, Mr. French,
25 telling us that the police had that car for



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1 J. French

2 quite some time?

3 A. Yes.

4 Q. And it was actually not them who
5 contacted you. But you finally contacted them
6 about, "Hey, what's the status of my car?"

7 A. "Can I have my car back please?"
8 Yes.

9 Q. And then you recovered your car,
10 right?

11 A. Yes.

12 Q. Do you recall telling us that when
13 you did recover it, it was filled with
14 fingerprint dust?

15 A. Yes.

16 Q. So it indicated that investigators
17 had gone through that car?

18 A. Yes. Absolutely.

19 MR. GRANDINETTE: Objection as to
20 form.

21 Q. Do you recall telling Ms. Sullivan
22 and myself that the police told you that there
23 was no connection between your car and that
24 homicide?

25 A. That's correct.



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1 J. French

2 Q. And do you recall telling us that you
3 were kind of actually a little disappointed
4 because the thought the situation might be
5 different?

6 A. Yes. Just because of the pants and
7 everything, I really thought there was going
8 to be a connection.

9 Q. But after speaking to you several
10 times, and after speaking and after taking
11 these hair samples and after the fingerprint
12 dust and so forth, when you finally got the
13 car back you were notified there wasn't a
14 connection and --

15 MR. GRANDINETTE: Objection to the
16 form.

17 MR. FERGUSON: Can I finish the
18 question?

19 MR. GRANDINETTE: I thought you were
20 finished.

21 Q. In the opinion of the homicide
22 detectives there wasn't a connection between
23 your car and --

24 A. Correct.

25 MR. GRANDINETTE: Objection to form.



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1 J. French

2 Q. But it was certainly your opinion
3 that initially the detectives were very
4 interested in your car?

5 A. Yes.

6 Q. Do you recall at all, Mr. French, one
7 way or the other, that you telling Ms.
8 Sullivan and myself that it was definitely not
9 your practice to keep a rope in your car?

10 MR. GRANDINETTE: Objection.

11 MS. CORNWALL: Objection. Asked and
12 answered.

13 A. Repeat the question, please?

14 MR. FERGUSON: Could you read it
15 back?

16 (Record read.)

17 A. I don't recall.

18 Q. Are you familiar with the area where
19 your car was found by yourself by the Lakeview
20 railroad station?

21 A. Yeah. I would say yes.

22 Q. Had you ever gone to any houses in
23 that area?

24 A. No. No houses in that area.

25 Q. Did you use that railroad station?



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J. French

A. No.

Q. So if you used the railroad it would have been a different station? Lynbrook station?

A. Malverne or Lynbrook, yes.

Q. So it wouldn't have been that?

A. No.

Q. Do you happen to know if near where your car was found by you there was a home or homes for boys?

A. I have no idea.

Q. You have no idea about that?

A. No.

Q. Do you remember keeping anything else in your car at all other than what you've told us today? Except, possibly, I think you told us there might have been a hunting knife and maybe some tools that you would keep normally in the truck, right?

A. Yes.

MR. GRANDINETTE: Objection to form.

Q. That was your practice, you always kept tools?

A. Always.



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1 J. French

2 Q. When you say you always kept tools
3 what kinds of tools are you talking about?

4 A. Ratchets, screw drivers, things like
5 that.

6 Q. Basically small hand tools?

7 A. Yes. All hand tools.

8 Q. I think you were shown a photograph
9 today. One of the photographs, if I'm
10 correct, might be Exhibit I, shows a piece of
11 rope?

12 A. J.

13 Q. J.

14 Do you recognize that at all?

15 A. No. I don't recognize it.

16 MR. FERGUSON: Can I have just a
17 minute to speak to her for a second?

18 (Mr. Ferguson and Ms. Limani leave
19 the room for a brief recess.)

20 MR. FERGUSON: I have no further
21 questions, Mr. French. Thank you very much.

22 MS. CORNWALL: I just have a couple
23 of follow-ups.

24 CONTINUED EXAMINATION

25 BY MS. CORNWALL:



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1 J. French

2 Q. The meeting you had with Mr. Ferguson
3 and Christine Sullivan, was that before or
4 after you met with Detectives Hillman and
5 Goldman?

6 A. Before.

7 Q. How much before?

8 A. I would say months. I don't know
9 exactly how --

10 Q. When you met with Mr. Ferguson and
11 Ms. Sullivan, were either of them taking
12 notes?

13 A. I don't recall.

14 Q. Did they ask you to sign anything?

15 A. I don't recall.

16 Q. Before today you and I have never
17 met, have we?

18 A. No.

19 Q. I would ask you to take a look at a
20 couple of items to see if you recognize them.

21 Exhibit 268 is a photograph of a red,
22 white and blue quilt. Do you recognize that?

23 A. No. I do not recognize that.

24 Q. How about Exhibit 269?

25 A. I do not recognize this either.



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J. French

Q. Okay. And 270?

A. No. I do not recognize that either.

Q. As you sit here today, Mr. French, you don't have any personal knowledge of whether the stealing of your car has any connection with the Theresa Fusco case, do you?

A. No, I don't.

MS. CORNWALL: Thank you. I have nothing further. Thank you so much for coming in.

MR. FERGUSON: Thank you, Mr. French.

THE WITNESS: Take care.

(Time noted: 11:36 a.m.)

John T. French

Subscribed and sworn to before me
This _____ day of _____, 2011.

NOTARY PUBLIC



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C E R T I F I C A T I O N

I, HELGA CHRISTIANE LAVAN, a
Shorthand Reporter and notary public, within
and for the State of New York, do hereby
certify:

That JOHN T. FRENCH, the witness
whose examination is hereinbefore set forth,
was first duly sworn by me, and that
transcript of said testimony is a true record
of the testimony given by said witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this day of
, 20__.

HELGA CHRISTIANE LAVAN, Reporter



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DEPOSITION ERRATA SHEET

Our Assignment No. 319647

Case Caption: Restivo v. Nassau County

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the _____ day of _____, 20____.

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